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| <b>DATE OF DETERMINATION</b>    | 16 December 2022  |
| <b>DATE OF PANEL DECISION</b>   | 16 December 2022  |
| <b>DATE OF PANEL MEETING</b>    | 15 December 2022  |
| <b>PANEL MEMBERS</b>            | Carl Scully (Chair), Stephen Davies, Susan Budd, Michael Sheils |
| <b>APOLOGIES</b>                | Paul Pappas   |
| <b>DECLARATIONS OF INTEREST</b> | None  |

Public meeting held by MS Teams Conference on 15 December 2022, opened at 1:30pm and closed at 2:00pm.

Papers circulated electronically on 2 December 2022.

#### **MATTER DETERMINED**

**PPSSEC-178 – Bayside LGA – DA-2021/627 at 128 Bunnerong and 120 Banks Avenue Eastgardens Road Eastgardens** – BATA Stage II - – Integrated Development - Construction of two (2) mixed use buildings of 18 and 20 storeys accommodating 372 apartments, communal recreational facilities, child care centre (use subject to future application), four (4) levels of basement car parking, associated landscaping and construction and embellishment of a private road.

#### **PANEL CONSIDERATION AND DECISION**

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

#### **Development application**

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

#### **REASONS FOR THE DECISION**

The Panel determined to approve the application for the reasons outlined in the Council Assessment Report and as below:

The proposed development generally complies with the objectives and prescriptive controls for development within the R4 High Density Residential zone and is also consistent with relevant conditions of the Concept Plan approval (DA 2019/386).

The Panel notes the design changes made in response to urban design concerns which have reduced the GFA to a level consistent with the Concept Plan approval. These changes also ensure adequate and ADG compliant solar access is provided to existing BATA 1 properties to the south and Penguin Park.

The Panel notes the proposed development has been the subject of extensive review by the Design Excellence Panel (DEP) and that the DEP supports the final revised scheme and considers design excellence has been achieved. The Panel is satisfied that the final revised scheme exhibits design excellence, and will make a positive contribution to the BATA 2 precinct and the emerging future character of the area envisaged in the approved Concept Plan.

## CONDITIONS

The Development Application was approved subject to the conditions in the Council Assessment Report with no amendments.

## CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the Panel. The Panel notes that issues of concern included:

- Hazardous materials transport along Bunnerong Road.
- Loss of (city) views.
- Adverse traffic impacts and inadequate assessment of traffic impacts.
- GFA/FSR and scale of development including reduced unit sizes from Pagewood Green Master Plan
- Overshadowing to Penguin Park and Viola Building.
- Insufficient public transport access and availability.
- Excessive carparking and reduced street parking for existing residents.
- Communal space design.
- ADG compliance.
- Vehicular access including childcare vehicular drop off.
- Removal of trees.
- Noise and stress of construction.
- Amenity including the demolition of art deco characteristics.
- Pedestrian safety and crossing of Heffron Road by Golf Course Machinery.

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report and that no new issues requiring assessment were raised during the public meeting.

| PANEL MEMBERS  |   |
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| <br>Carl Scully (Chair) | <br>Stephen Davies |
| <br>Susan Budd          | <br>Michael Sheils  |

| SCHEDULE 1 |   |   |
|------------|---|---|
| 1          | PANEL REF – LGA – DA NO.                              | PPSSEC-178 – Bayside LGA – DA-2021/627  |
| 2          | PROPOSED DEVELOPMENT                                  | BATA Stage II – Integrated Development - Construction of two (2) mixed use buildings of 18 and 20 storeys accommodating 372 apartments, communal recreational facilities, childcare centre (use subject to future application), four (4) levels of basement car parking, associated landscaping and construction and embellishment of a private road.   |
| 3          | STREET ADDRESS  | 128 Bunnerong and 120 Banks Avenue Eastgardens Road, Eastgardens  |
| 4          | APPLICANT/OWNER                                       | Walter Gordon (Meriton)/ Karimbla Construction Services NSW Pty Ltd   |
| 5          | TYPE OF REGIONAL DEVELOPMENT                          | General development over \$30 million   |
| 6          | RELEVANT MANDATORY CONSIDERATIONS                     | <ul style="list-style-type: none"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>○ State Environmental Planning Policy (Planning Systems) 2021</li> <li>○ State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>○ State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>○ State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>○ State Environmental Planning Policy No 65—Design Quality of Residential</li> <li>○ Bayside Local Environmental Plan 2021</li> </ul> </li> <li>• Draft environmental planning instruments: Review of C4.6 of Standard Instrument</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>○ Botany Development Control Plan 2013</li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i></li> <li>• Coastal zone management plan: Nil</li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>• The suitability of the site for the development</li> <li>• Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>• The public interest, including the principles of ecologically sustainable development</li> </ul> |
| 7          | MATERIAL CONSIDERED BY THE PANEL                      | <ul style="list-style-type: none"> <li>• Council Assessment Report: 2 December 2022</li> <li>• Written submissions during public exhibition: 12</li> <li>• Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>○ Richard Hogg</li> <li>○ Council assessment officer – Fiona Prodromou</li> <li>○ On behalf of the applicant – Walter Gordon, Luke Marquet, James Turner, Frank Ru, Nigel Dickson, Paul Oreshkin, Ian Lim and Cameron Greatbatch</li> </ul> </li> <li>• Total number of unique submissions received by way of objection: 12</li> </ul>  |
| 8          | MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL | <ul style="list-style-type: none"> <li>• Kick off Record Briefing: 10 February 2022 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Carl Scully (Chair), Sue Francis, Chris Wilson Paul Pappas, Michael Sheils</li> <li>○ <u>Council assessment staff</u>: Fiona Prodromou, Christopher Mackey</li> </ul> </li> </ul>  |

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|    |                        | <ul style="list-style-type: none"> <li>• Council/Applicant Briefing: 23 June 2022 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Carl Scully (Chair), Chris Wilson, Michael Sheils, Paul Pappas</li> <li>○ <u>Council representatives</u>: Fiona Prodromou, Chris Mackey</li> <li>○ <u>Applicant representatives</u>: Walter Gordon, Ian Lim, Flora Lin, Nigel Dickson, Paul Oreshkin</li> </ul> </li> <li>• Council/Applicant Briefing: 27 October 2022 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Carl Scully (Chair), Susan Budd, Stephen Davies, Michael Sheils and Paul Pappas</li> <li>○ <u>Council representatives</u>: Fiona Prodromou, Chris Mackey, Paul Walter</li> <li>○ <u>Applicant representatives</u>: Walter Gordon, Ian Lim, Annie So, Luke Marquet, Paul Oreshkin, Nigel Dickson</li> </ul> </li> <li>• Final briefing to discuss council's recommendation: 15 December 2022 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Carl Scully (Chair), Stephen Davies, Susan Budd, Michael Sheils</li> <li>○ <u>Council assessment staff</u>: Fiona Prodromou, Chris Mackey, Paul Walter (Atlas Urban)</li> <li>○ <u>Applicant representatives</u>: Walter Gordon</li> </ul> </li> </ul> |
| 9  | COUNCIL RECOMMENDATION | Approval  |
| 10 | DRAFT CONDITIONS       | Attached to the Council Assessment Report   |